

Amendments to the Drawings:

The attached replacement sheets of drawings includes changes to Figs. 1-7 and replaces the original sheet including Figs. 1-7.

In the replacement sheets for Figures 1, and 4-7 the legend "Prior Art" is included.

In the replacement sheet for Figure 1, the reference numeral "105(5)" is replaced with reference numeral "5."

In the replacement sheet for Figure 2, the reference numerals "114(14)," "115(15)," "116(16)," and "112(12)" are replaced with reference numerals "114," "115," "116," and "112," respectively, and reference numeral "10" is replaced with reference numeral "18."

In the replacement sheet for Figure 3, reference numeral "10" is replaced with reference numeral "18."

Attachments following last page of this Amendment:

Replacement Sheet (7 pages)

REMARKS

Claims 1-7 are pending. Claims 1-7 are amended in this response. No new matter is added. Reconsideration and allowance of the above-referenced application are respectfully requested.

Priority

The present application claims priority to US Application Serial No. 10/683,269, filed on October 14, 2003. The priority information was included in a Declaration and Power of Attorney that was filed with the present application. However, the priority claim was not included in the Specification of the present application.

In this response, the Specification is amended to include a priority claim as follows:

CROSS-REFERENCE TO RELATED APPLICATION

[0000.1] This application claims the benefit of priority to U.S. Patent Application Serial No. 10/683,629 entitled "Pin Assembly for Track Roller Bogie of Track-Type Drive System" filed on October 14, 2003, and now abandoned, the entire contents of which are incorporated herein by reference.

Further, in accordance with 37 CFR 1.78(a)(3), a Petition to Accept a Delayed Priority Claim is filed with this response. As set forth in 37 CFR 1.78(a)(3), the petition is accompanied by the reference required under 35 USC 120 and 37 CFR 1.78(a)(2) to the prior-filed application, the surcharge set forth in 37 CFR 1.17(t), and a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. A Declaration from Applicants' representative, Mutsumi International Patent Bureau, explaining the circumstances that caused the delay will be filed in due course.

Applicants respectfully request that the petition be granted. Further, in light of the Amendment to the Specification and the Petition to Accept a Delayed Priority Claim, Applicants respectfully submit that the present application properly claims priority to US Application Serial No. 10/683,269.

Drawings

Figures 1, and 4-7 are objected to. As suggested by the Office, Figures 1, and 4-7 are amended to include a legend, "Prior Art," in the attached Replacement Sheets. As amended, in Figure 1, reference numeral "105(5)" is replaced with reference numeral "5." In Figure 4, reference numerals "114(14)," "115(15)," "116(16)," and "112(12)," are replaced with reference numerals "14," "15," "16," and "12," respectively.

The Office contends that reference numerals "114b," "115b," "115c," and "116b" either refer to multiple embodiments in the same drawing or are different reference characters referring to the same element. Applicants respectfully disagree. In this regard, the Specification states:

As described above and shown in FIGS. 2 and 3, the second ring 115 to be disposed rotatably with respect to the pin 13 is disposed at the central outer peripheral portion of the pin 13, and the first and third rings 114, 116 are fixedly secured to both end peripheral portions of the pin 13 with the second ring 15 sandwiched therebetween. As a consequence, there are four slide portions between the first and second rings 114, 115 and the second and third rings 115, 116, the four slide portions comprised of two slide contact faces 114b, 115b; 115c, 116b contacting directly between the rings and four seal faces 18a in which two pairs of the floating seals 18 are slid each other.

See, Specification, [0071].

Thus, as set forth in the Specification, the reference numerals "114b," "115b," "115c," and "116b" refer to four slide portions between the first and second rings 114, 115, and the second and third rings 115, 116 that each include two slide contact faces 114b, 115b; 115c, 116b. Thus, reference numerals 114b and 115b refer to a contact face on first ring 114 and second ring 115, respectively. Reference numerals 115c and 116b refer to another contact face on second ring 115 and a contact face on ring 116, respectively. Further, as illustrated in Figure 2, the contact surfaces represented by reference numerals 114b and 115b are in contact with each other. Similarly, the contact surfaces represented by reference numerals 115c and 116b are in contact with each other. Contrary to the Office's contention, these reference numerals do not refer to multiple embodiments in the same drawing and do not refer to the same element. Accordingly,

Applicants respectfully request that the objection to these reference numerals in the drawings be withdrawn.

Also, Figures 1 and 4 are objected to under 37 CFR 1.84(h)(5) because the drawings allegedly show modified forms of construction in the same view. Applicants respectfully disagree. As described in the Specification, Figure 1 is a side view of a general crawler type traveling apparatus. Figure 4 is an explanatory view of assembly of a bogie to a track frame by using a pin assembly. *See, e.g.,* Specification, paragraphs [0024] and [0027], respectively. Contrary to the Office's contention, the figures do not show modified forms of construction in the same view. Accordingly, Applicants respectfully request that the objection to figures 1 and 4 be withdrawn.

In addition, the drawings are objected to under 37 CFR 1.83(a). As amended, Figure 2 indicates " $d1 < d2 < d3$." Thus, the feature claimed in claim 3 is indicated in the drawings. Accordingly, Applicants respectfully request that the objection to the drawings under 37 CFR 1.83(a) be withdrawn.

Furthermore, the drawings are objected to under 37 CFR 1.84(p)(4) and 1.84(p)(5). Figures 2 and 3 are amended to replace reference numeral "10" with reference numeral "18." These amendments obviate the objections under 37 CFR 1.84(p)(4). The Specification is amended to remove reference numeral "114c'." This amendment obviates the objections under 37 CFR 1.84(p)(5).

Accordingly, Applicants respectfully request that all objections to drawings be withdrawn.

Specification

The Specification is objected to. Amendments, as indicated in the "Amendments to the Specification" section, obviate these objections. Accordingly, Applicants respectfully request that the objections to the Specifications be withdrawn.

Claim Objections

Claims 1 and 3-7 are objected to. Amendments to the claims obviate these objections. Accordingly, Applicants respectfully request that these objections be withdrawn.

35 USC 112

Claims 1-7 are objected to under 35 USC 112, 2nd paragraph. Amendments to these claims obviate these objections. Accordingly, Applicants respectfully request that the objections to these claims be withdrawn.

35 USC 102

Claims 1-7 stand rejected under 35 USC 102(e) as allegedly being anticipated by Murakami et al. hereinafter "Murakami." Applicants respectfully submit that the Office does not specify a patent number or a patent application publication number for the cited reference. Because the present application shares a common inventor and assignee with US Patent Application Publication No. 20070126285A, Applicants conclude that this is the reference to which the Office Action refers. The rejections are respectfully traversed because Murakami is not prior art to the present application.

As discussed previously, the present application claims priority to Murakami. Although the priority information was included in a Declaration executed by the inventors, the priority claim was inadvertently omitted from the Specification. In this response, an amendment to include the priority claim is presented along with a Petition to accept an unintentionally delayed priority claim.

Applicants respectfully request that the Petition be granted. Further, Applicants submit that upon the petition being granted, the present application will properly claim priority to Murakami. Consequently, Murakami is not prior art under any section of 35 USC 102.

Accordingly, Applicants respectfully submit that claims 1-7 are not anticipated by Murakami, and request that the rejections of claims 1-7 under 35 USC 102(e) be withdrawn.

CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the remarks made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Please apply fee for a petition for acceptance of an unintentionally delayed claim for priority, a petition for one month extension of time fee, and any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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